



MEMORANDUM

To: Jim Mulder, Community Development Director
From: Greg Winterowd; Jesse Winterowd
Date: May, 2005
Re: **Response to Written Comments to Woodburn City Council**

This Memorandum responds to issues raised before the City Council on or before April 20, 2005, when the Council closed the hearing record regarding the 2005 legislative plan and code amendment package. This letter is intended to complement your letters to the Department of Land Conservation and Development (DLCD) and the Marion County Community Development Department (County).

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B-63 Darlene Mahan (4/22/05)

In a petition dated February 4, 2004, Southwest Industrial Reserve (SWIR) property owners expressed their opposition to master planning, minimum employee, transportation planning, and minimum lot size requirements. The petition notes that area property owners have held title to their property since the 1960s and "are quite capable of deciding who and how we will dispose land."

Except for Opus Northwest (which has contracted to purchase land from Ms. Mahan), none of the property owners had contacted City staff prior to signing the petition. Since this petition was filed with the City, it is our understanding that SWIR property owners have held internal meetings and now understand that their land cannot be justified for inclusion within the Woodburn UGB *unless* suitable sites are reserved for employment categories identified in the Economic Opportunities Analysis.

Retention of large sites within the SWIR for targeted firms – because they are flat, serviceable and accessible to I-5 – are critical to the success of Woodburn’s Economic Development Strategy. It is our understanding that SWIR property owners now realize that the City can provide urban services to their property only if their land is included with the UGB and protected for targeted employment through SWIR policies.

Ms. Mahan is the owner of Darma Real Estate, the company that is selling its property to Opus Northwest. In a separate February 16, 2005 letter, Ms. Mahan wonders why her triangular-shaped 11.79 property located east of I-5 and west of Butteville Road (at the west terminus of Parr Road) was not included with the proposed UGB. Ms. Mahan’s 11.75-acre property is irregularly shaped and comprised of a combination of Class II and III agricultural soils.

It should be noted that the 2005 Woodburn Transportation System Plan (TSP) calls for the improvement of Butteville Road to arterial street status to the point where it intersects with the planned South Arterial. The TSP also calls for the closure of Parr Road before it intersects with Butteville Road, thus limiting access to this 11.75-acre parcel, thus limiting access to this parcel in the long-term. As noted in the 2005 UGB Justification Report, development of Ms. Mahan’s property would not meet a specific site need that cannot be met within the existing or proposed UGB.

Recommendation

No changes are recommended to the UGB as a result of the property owner petition or Ms. Mahan’s letter. Darma Real Estate’s 11.75-acre parcel is not recommended for inclusion within the Woodburn UGB because the City’s long-term employment needs can be better met on other sites within the existing or proposed UGB. As noted below, changes are recommended in the location of the UGB as a result of comments received from DLCD, Marion County, 1000 Friends and the Oregon Department of Agriculture.

B-68 Department of Land Conservation and Development (DLCD) (3/18/05)

Included in the Council’s packet is a draft response to comments raised by Geoff Crook, Willamette Valley Regional Representative for DLCD. Mr. Crook’s letter is thoughtful and well-documented. It is also generally supportive of the Planning Commission’s recommended Comprehensive Plan and Woodburn Development Ordinance (WDO) amendment package.

Recommendation

The revised package before the Council includes changes that respond to most of the technical issues raised in his March 18, 2005 letter. In particular:

- The recommended UGB now *excludes* a parcel with primarily Class II soils west of Butteville Road and *includes* a parcel with primarily Class III soils south of Parr Road.
- Class I agricultural soils on the golf course site north of the UGB are recommended for removal.
- SWIR minimum lot size tables have been revised to be fully consistent with the site suitability tables prepared by ECONorthwest.
- The UGB Justification Report has been revised to correct internal consistency issues.
- Industrial sites within the UGB that are immediately serviceable have been described and mapped.
- Substantial changes have been made to the draft Public Facilities Plan.
- Minor changes have been made to the draft Transportation Systems Plan and implementing WDO provisions.

B-69 Marion County (3/21/05)

Included in the Council's packet is a draft response to comments raised by Les Sasaki, Marion County Senior Planner. Mr. Sasaki's letter also is thoughtful and generally supportive of the Planning Commission's recommended Comprehensive Plan and WDO amendment package.

Recommendation

The revised package before the Council includes changes that respond to most of the issues raised in his March 18, 2005 letter. In particular:

- The recommended UGB now *excludes* a parcel with primarily Class II soils west of Butteville Road and *includes* a parcel with primarily Class III soils south of Parr Road.
- SWIR minimum lot size tables have been revised to make it clear that two large sites located adjacent to the UGB are may be divided into a range of lot sizes consistent with the site suitability tables prepared by ECONorthwest.
- The Buildable Lands Inventory, Housing Needs Analysis and UGB Justification Report has been revised to clarify methods and results of the land needs assessment.
- City and County planning staff have reached tentative agreement on revisions to the Urban Growth Management Agreement.

B-77, B-101 Serres Family (3/23/05 and 4/19/05)

In Exhibits B-77 and B-101, several members of the Serres family and their consultant, Jeff Tross, present their case to include the Serres family farm into the Woodburn UGB. Other exhibits include supportive comments from Highway 99E business owners.

The Serres family owns property to the Pudding River – both inside and beyond Study Area 4 (East) – and has requested that all of their family property be included within the UGB. However, the Serres Tract *within Study Area 4 (East)* includes 10 parcels comprising 204 acres. The Serres family believes that their land is best suited for high-end residential and park use. They go on to suggest that agricultural land west of Boones Ferry Road and south of Crosby Road (the Fessler property east of I-5), should be removed to allow inclusion of the Serres Tract.

In Exhibit B-101, members of the Serres family are highly critical of the Public Works Department planning level analysis that led to Winterbrook's conclusion that service costs are considerably higher for Study Area 4 (East) than most of the other seven study areas. They also criticize aspects of Winterbrook's Economic, Social, Environmental and Energy (ESEE) analysis that outlines the benefits and limitations of each study area.

As discussed at the Council's April 25, 2005 public hearing, the Public Works Department stands by the basic conclusions reached in its analysis of relative public facilities costs. Study Area 2 is expensive to serve when compared with most other study areas. Winterbrook will amend the ESEE analysis to recognize more of the positive economic, social and energy consequences (potential high end home sites, potential linear nature parks along the Pudding River and its tributaries, and proximity to Highway 99E businesses) associated with inclusion of the Serres property.

However, the over-riding reason for rejecting all of Study Area 4 is the fact that it is comprised primarily of Class II agricultural soils, with no large inclusions of buildable Class III soils. Ninety percent of the Serres property within Study 4 is comprised of Class II agricultural soils. Unlike the Study Areas 2 (North) and 7 (Southwest), there are no substantial Class III soil areas on the Serres Tract within Study Area 4. Although 11 of the 204 acres within the Serres Tract (7%) have Class VI soils, this land is confined within unbuildable stream corridors. Only 3% of the Serres Tract has land with Class III soils, which are located at the edge of riparian corridors or drainage areas.

Looking beyond the eastern boundary of Study Area 4 to other land owned by the Serres family, there are substantial inclusions of Class I agricultural soil formed by Pudding River alluvial deposits. If the UGB were to extend to the Pudding River as suggested by the Serres family, Class I soils would also be included.

It should be noted that Exhibit 108, Mr. Brian Moore, the lawyer for the Fesslers (whose property located between Boones Ferry Road and I-5, south of Crosby Road) makes a reasonable case for inclusion of the Fessler property, based on Goal 14 (Urbanization) and ORS 197.298

priorities. He also provides supporting evidence regarding the relative costs to service the Study Areas 2 (North) and 4 (East).

Finally, members of the Serres family have stated their intent to file a Measure 37 claim with Marion County *if* they are not included within the UGB. Their stated intention is to use this claim as leverage to bring their land into the UGB. For the record, Serres family are not the only landowners at the perimeter of the existing Woodburn UGB who have potential Measure 37 claims. For example, the Fessler and Weisz families also have owned and farmed land in the area for many years.

Recommendation

No changes are recommended to the Comprehensive Plan and WDO amendment package as a result of the Serres family testimony. Winterbrook will make changes to the ESEE analysis found in the UGB Justification Report to recognize potentially positive economic, social and energy consequences identified in materials submitted by the Serres family.

B-80-81 Mark Unger (3/24/05)

Mr. Unger would like his property to be included within the proposed UGB. Mr. Unger owns property on East Hardcastle Road that located about a quarter mile outside the existing and proposed UGB, but is split by the eastern boundary of Study Area 4 (East). Mr. Unger's property is comprised primarily of Class II agricultural soils, *except* for unbuildable riparian area (a tributary to Pudding Creek – a portion of which is culverted) that divides the property.

Recommendation

No changes are recommended to the Comprehensive Plan and WDO amendment package. Please see related response to Serres family comments.

B-82 Bert Gottsacker (3/24/05)

Mr. Gottsacker is concerned that proposed street and plan designation boundaries do not always follow property lines. Mr. Gottsacker references a "policy" (actually the policy preference of an attorney representing a property owner in a plan amendment application) that "requires" location of plan designation boundaries along property or streets, and cites examples in the proposed Comprehensive Plan map of properties with split designations.

Mr. Gottsacker is correct in noting that a few properties along major streets have split designations. The proposed designations allow Nodal Medium Density Residential along Parr Road and Evergreen Drive, with Nodal Low Density Residential located to the rear. There is no Comprehensive Plan policy that *requires* location of plan designations along property lines.

It should be noted that one of the "split" properties cited by Mr. Gottsacker is located west of Butteville Road, and is no longer proposed for inclusion within the SWIR or UGB based ORS 197.298 "priorities" and comments from DLCD, ODA, Marion County and 1000 Friends. Mr. Gottsacker owns the property south of the proposed South Arterial that has Class III soils and is

proposed for inclusion within the SWIR and UGB. None of Mr. Gottsacker's properties have split designations.

Recommendation

No changes are recommended to the Comprehensive Plan and WDO amendment package.

B-83, B-89 PCUN and FHDC

Mr. Ramon Ramirez of Pineros y Compesinos del Noroeste (PCUN) testified in favor of UGB expansion to provide more non-agricultural job opportunities for the over 5,000 farmworkers represented by his organization. Mr. Ramirez noted that targeted light manufacturing and warehousing employers typically employ large numbers of Latino workers and provide opportunities for farmworkers to expand and strengthen their job skills and opportunities for their children.

In a similar vein, Mr. Roberto Jimenez of the Farmworkers Housing Development Corporation (FHDC) also supported UGB expansion as holding "great economic potential for the future of farmworkers and their families locally." Mr. Jimenez notes that "better-paying jobs would allow farmworkers to buy homes and more beyond affordable housing," thus creating space for those in greater need at Nuevo Amanecer and Esperanza Court. Finally, Mr. Jimenez notes that:

"FHDC believes that whatever low-paying job loss [in agriculture] is associated with developing the land brought into the UGB would be minimal and greatly outweighed by new job creation... Together we can strengthen the community of all residents of and improve the quality of life in the Woodburn area."

Recommendation

Testimony from PCUN and FHDC strongly support the City's decision to provide for basic employment opportunities on land now designated for agricultural use.

B-88, B-112 Sharabarin Property (3/28/05 and 4/20/05)

Exhibits B-88 and B-112 include letters from attorney Kevin Maine on behalf of the Sharabarin family, who own 7.45 acres of Class II agricultural soils at the northeast corner of Highway 99E and Carl Road in Study Area 3 (Northeast). The Sharabarin property abuts a manufactured dwelling park in an exception area proposed for inclusion within the UGB. The Sharabarin family would like their land designated for commercial use – in order to construct a personal storage facility.

To justify his client's request, Mr. Maine misquotes page 39 of the UGB Justification Report in stating that "Winterbrook determined the City will need an additional 202 acres of commercial property by 2020." In fact, this is what the report said:

"The 2004 (existing) Woodburn UGB has 460 developed commercial acres and 108 net buildable acres (including vacant and partially developed land.) A commonly-accepted

method of projecting buildable commercial land need (and one that has been acknowledged in many Oregon plans) is to determine the existing ratio of developed commercial acres to population, and multiply this ratio by planned population growth. Using this method, Woodburn would need 310 net buildable commercial acres to meet 2020 commercial land needs. Since Woodburn has 108 net buildable commercial acres, this would result in a need for an additional 202 net buildable commercial acres.

We did not use this method, because we have intentionally under-allocated commercial land to encourage redevelopment along Highway 214, Highway 99E and in Downtown Woodburn. If we were to have extended the existing ratio of commercial land to employment through 2020, we would have added approximately 202 – rather than 32 – net buildable acres.”... (Emphasis in the original.)

Based on ECONorthwest’s high employment projection, Woodburn will need 141 (108 plus 32) net buildable acres of commercial land by the Year 2020. The Planning Commission’s recommended plan includes 140 net buildable commercial acres (including nodal commercial and exceptions areas). Based on the information provided by Winterbrook on page 39 of the UGB Justification Report, increasing the supply of commercial land on Highway 99E would have the effect of discouraging – rather than encouraging – the redevelopment of commercial land in Downtown Woodburn and along Highway 99E.

We note that there is a significant difference between targeted basic employment categories identified in the EOA and retail / service uses that typically locate in Woodburn’s commercial zones. The former tend to pay higher wages and serve a wider market area, while the latter pay lower wages and (with the exception of outlet malls) serve a more localized population. Woodburn must compete with other I-5 locations for targeted employment firms, whereas commercial uses are more likely to redevelop under-utilized land as necessary to serve local markets. This is why ECONorthwest and Winterbrook applied an employee-per-acre ratio for commercial land uses, while applying more specific site suitability criteria to provide choice among sites to meet the requirements of targeted basic employers.

Recommendation

No changes are recommended to the Comprehensive Plan and WDO package at this time.

B-94, B-112 Amanda Dalton (3/28/05) and Realtors Groups (4/20/05)

Ms. Dalton, Government Affairs Coordinator for the North Willamette Association of Realtors (among other real estate groups) wrote in opposition to the Interchange Management Area (IMA) Overlay District. She raised concerns regarding Measure 37 claims, limitations on commercial growth, and the potential for statewide precedent.

It is important to recognize that the peak hour trip generation limits imposed by the IMA trip budget are based on plan designations in the proposed Comprehensive Plan and associated trip generation figures used in the development of the 2005 Transportation Systems Plan (TSP). The

IMA trip budget is intended to allow planned commercial development to proceed based on the trip generation figures used in the TSP – but prohibit net increases in commercially-designated land within the overlay district that would take vehicle trip capacity reserved for basic employment. Notably, the IMA overlay district applies only to vacant parcels and therefore will not restrict redevelopment or intensification of commercial uses in most commercial areas in Woodburn.

Finally, the IMA overlay district is an essential element of Woodburn’s overall economic development strategy and is necessary to ensure that ODOT’s considerable investment in the Woodburn interchange is wisely used. If interchange capacity were to be used for commercial development, then there would be insufficient capacity for targeted, basic employment.

In an April 20, 2005 letter, the boards of several valley realtors associations signed a similar letter, and opined that the “small property” exemption should be reinstated in the draft IMA Overlay District. This provision was reviewed with ODOT staff and found acceptable.

Recommendation

Mr. Mulder has recommends amending the draft IMA Overlay District to reinstate a small property exemption.

B-95 Martin Rohrer (3/28/05)

In Exhibit B-95 and related exhibits (B-65), Mr. Rohrer makes a persuasive case to include 125 acres of land, located between Crosby Road and the Woodburn Company Stores, in Study Area 1 (Northwest). Mr. Rohrer believes that this land is best suited for mixed use industrial. He goes on to suggest that agricultural land west of Butteville Road or land in the Parr Road area east of I-5, could be removed to allow inclusion of the Crosby Road property. Mr. Rohrer notes that previous Council-appointed committee had recommended inclusion of this area for a mixture of commercial and light industrial uses.

The 125 acres in question is designated “Agriculture” on the Marion County Comprehensive Plan map, and is zoned Exclusive Farm Use. This subarea is comprised primarily of Class II agriculture soils, with the exception of unbuildable riparian corridors which are primarily Class IV agricultural soils with narrow strips of Class III soils are the riparian edge. To access this land, one either would need to drive through the Woodburn Company Store area to reach Highway 214 and the I-5 Interchange, or access the interchange through the Butteville Road residential exceptions area. There are no large blocks of Class III soils in this area, nor can such large blocks be reached by extending services through this area.

Since the Committee finished its work in 1999, the Council has reviewed and accepted the Economic Opportunities Analysis (EOA) and the Economic Development Strategy (EDS), Winterbrook Planning has carefully analyzed alternative UGB expansion areas based on the Statewide Planning Goals and applicable Oregon statutes, and the Transportation Systems Plan has been extensively revised to provide for alternative east-west routes through Woodburn. All of this work pointed towards reservation of large blocks of land along Butteville and Parr Roads, with minimal development constraints and readily available urban services. ORS 197. 298

priorities directed employment growth towards the large blocks of Class III soils immediately south of Parr Road. In order to reach this Class III soils area, intervening Class II agricultural land along Parr and Butteville Roads must be developed. The Planning Commission has reviewed the proposed Comprehensive Plan and Development Ordinance Package, made changes, and provided its recommendation to the City Council.

The Planning Commission recommended that this area not be included in the UGB expansion area because it did not satisfy land use, transportation, and economic goals as well as other areas proposed for inclusion in the UGB. Specifically, the portion of this area between I-5 and East Senecal Creek is best suited for future commercial uses consistent with Woodburn Company Stores type development. However, the City proposal only justifies 32 acres of commercial UGB expansion. The portion of this area west of East Senecal Creek is best suited for residential uses because of compatibility considerations with the adjacent residential development in the City and East Senecal Creek. However, residential land needs are better addressed with the City proposal. This area is not best suited for industrial use for the reasons stated above. This area should be preserved for future commercial and residential uses when sufficient justification for such expansion can be provided in the future.

Both Jim Mulder and I very much appreciate the professionalism and thoughtfulness with which Mr. Rohrer presented his case. We also respect the hard work done in 1998-99 by citizen review committees. However, the inclusion of this land for the proposed uses would require a wholesale revision to the Comprehensive Plan and Development Ordinance package recommended by the Planning Commission. This would result in additional costs and delay and would jeopardize the City's ability to receive acknowledgement from the LCDC and funding from ODOT.

Recommendation

No changes are recommended to the Comprehensive Plan and Development Ordinance package at this time. This land is, however, a prime candidate for inclusion for a mixture of commercial and residential uses in the future.

B-96, B-109 1000 Friends of Oregon (3/30/05, 4/20/05)

In its March 30, 2005 letter to the City Council, 1000 Friends included copies of previous submissions to the Planning Commission. Winterbrook responded to 1000 Friends earlier concerns in our February 16, 2005 memorandum. This memorandum was incorporated in the Planning Commission's final order recommending approval of the 2005 Comprehensive Plan and Development Ordinance amendment package to the City Council. Here, we respond only to new issues raised by 1000 Friends in their March 30 and April 20, 2005 letters to the City Council. Other exhibits (for example, B-84 and B-90-92) echo themes developed in the 1000 Friends letters.

Residential Land Need and Supply. On page 3 of the March 30 letter, after an incomplete and misleading analysis, 1000 Friends argues that the proposed UGB has too much residential land. To clarify and minimize continued misperception and misuse of Winterbrook's data and

analysis, we have restructured the residential land needs analysis and buildable lands inventory to reach the same conclusion that we reached two years ago:

- Woodburn lacks buildable land within the existing UGB to accommodate Year 2020 residential, public and semi-public land needs.
- With the proposed UGB amendment, Woodburn will have enough – but not too much – buildable residential land to meet Year 2020 needs.

For a complete discussion of Woodburn's residential land needs and supply analysis, please see Community Development Director Mulder's May 2005 letter to Marion County. In summary, 1000 Friends over-simplified land assessment methods do not consider the facts that (a) Woodburn has many smaller residential parcels that will not develop at 100% efficiency (e.g., a 9,000 square foot lot in a 6,000 square foot zone) (b) that land within residential exceptions areas is unlikely to develop at full density due to small parcel sizes, opposition to annexation, and the inefficient location of homes on existing parcels, and (c) because Woodburn allows a wide range of housing types at varying densities in its zones, it is inappropriate to assume that housing will develop at the maximum density allowed by the zone.

To put matters in perspective, consider the following data and ratios.

- Woodburn's population is projected to grow by 67% from 2002 through 2020 (from 20,860 to 34,919).
- In 2002, Woodburn had 1,182 acres of fully developed residential land (957 single family residential and 225 multi-family residential) – exclusive of (a) 132 acres of partially developed and "infill" residential land, and (b) land developed for churches, schools and parks.
- If we were to increase its buildable residential land supply in proportion to population growth (67%), Woodburn would need 792 vacant buildable residential acres – without meeting public and semi-public land needs (210 additional net buildable acres).
- The expanded UGB includes only 736 net buildable acres, including partially vacant and infill lots, to accommodate Year 2020 residential, and public and semi-public land needs.
- Woodburn does not have "too much" residential land. Rather, Woodburn has substantially reduced residential land needs through land use efficiency measures (higher and minimum densities) and by reliance on infill to meet long term residential needs.

As an aside, Mr. Friedman faults Winterbrook's previous work for assuming that public park and school needs, as well as religious institutional needs, will be met on land designated for residential use." The primary basis for this assumption is my personal experience in planning over the last 30 years: new religious institutions, parks and schools typically locate in residential areas because such uses are allowed by zoning, residential land is relatively inexpensive, and schools, parks and institutions usually require larger, vacant parcels. In Woodburn, residential land typically is less expensive than commercial land. Moreover, Woodburn's residential zones allow school, park and institutional needs through the

conditional use process. Woodburn's proposed Southwest Industrial Reserve zone – which has most of the remaining non-residential buildable land – does not allow residential, park or school uses.

Finally, Woodburn does not have a surplus of land in any use category. If some public and semi-public land needs happen to be met on land zoned for industrial or commercial use, then there may be a shortage in these categories and a slight surplus in the residential land category. However, Woodburn's UGB now has only a 15 (not 20) year land supply. The miniscule public and semi-public acreage that *might* occur on non-residential land will be needed to meet 20-year land needs before the ink is dry on this plan, and well before 1000 Friends exhausts its appeal rights.

Industrial Land Need and Supply. On pages 3-10 of the March 30 letter (Section III.D) based on projecting “employee-per-acre” ratios, Mr. Friedman argues that the proposed UGB has too much industrial and commercial land. We have responded, repeatedly and exhaustively, to most of 1000 Friends arguments and will not do so again.

On page 9, after acknowledging that Winterbrook did analyze the redevelopment potential of existing industrial parcels based on the ratio of improvement to land values, Mr. Friedman argues that Winterbrook failed to examine the potential for existing underutilized *buildings* to accommodate need. This claim was reiterated in Mr. Friedman's April 20, 2005 letter.

- First, we know of no Statewide Planning Goal, rule or statutory requirement that requires such an analysis. Cities are required to conduct buildable lands inventories, not vacant or underutilized *building* inventories.
- Second, in Woodburn's case, the availability of vacant buildings in the Highway 99E area supports ECONorthwest's and Winterbrook's conclusion that Woodburn's primary comparative advantage is its location relative to I-5, not to Highway 99E or the existing railroad tracks.
- Third, in testimony to the City Council, Roy Clor of SEDCOR stated that purchase agreements were pending regarding the use of two of the industrial buildings in question. Mr. Clor's testimony recognizes that industrial and commercial buildings frequently change hands and accommodate various numbers of workers during their useful lives. Woodburn consistently has encouraged the re-use of existing industrial buildings and vacated industrial sites for years. There is nothing inconsistent with supporting intensification of existing industrial sites and buildings *while at the same time* providing new sites with I-5 access for targeted employers.¹
- Finally, Woodburn has not “turned its back on under-utilized areas of town” as stated by Mr. Friedman. Woodburn's existing, largely developed industrial properties are being actively marketed and are capable of absorbing additional employment, as indicated by Mr. Clor's testimony. Partially vacant sites also allow for the expansion

¹ In his April 20 letter, Mr. Friedman neglected to note that Mr. Clor spoke in support of the SWIR and UGB expansion to meet industrial land needs.

of existing industrial uses. However, Woodburn's vacant buildings, redevelopable sites, and partially developed parcels are located in the Highway 99E and eastern railroad area, and do not meet the site suitability requirements of most new employment categories targeted in the EOA.

In conclusion, ORS 197.712 and the Goal 9 Rule do not require cities to evaluate the employee capacity of vacant or under-utilized buildings; rather, this statute and this rule focus on the site suitability needs of targeted industries – just as Woodburn has done.

Expansion Areas. On page 10-12 of the March 30 letter (Section V) 1000 Friends cites ORS 197.298 priorities and argues against expanding onto higher quality agricultural land and for expanding to the Southeast to access Class III agricultural soils south of Parr Road between Boones Ferry Road and the Freeway.

We agree in part with 1000 Friends on this issue. The first priority for expansion should be to exceptions areas, as Woodburn has done. The second priority should be to Class III (rather than to Class I or II soils) where possible. As I explained at the City Council hearing on April 25, 2005, there are two large concentrations of Class III soil within the eight UGB study areas.² However, to provide these Class III areas with transportation, sewer, water and storm drainage services, intervening areas with Class II soils must first be developed. This is allowable under ORS 197.298(3)(a) – specific siting needs of targeted employers and ORS 197.298(3)(c) – maximum efficiency of land use requires extension of services through lower priority lands to include or serve higher priority lands.

As pointed out by 1000 Friends and others, there are two areas with Class I and II soils that do not meet this test:

- (1) A 56-acre parcel located west of Butteville Road in Study Area 8 (West) which has predominantly Class II agricultural soils; and
- (2) A hazelnut orchard located within the golf course in Study Area 2 (North) with predominantly Class I and II soils.

Both these areas are recommended for exclusion from the proposed UGB.

School Expansion Site. On page 13 of the March 30 letter (Section V) 1000 Friends argues against inclusion of the 19-acre site owned by the Woodburn School District in Study Area 4 (East). At the Planning Commission public hearing, Mr. Mulder and myself recommended inclusion of the school district site *if* (a) specific need for a site at this location could be identified by the District, or (b) a surplus of residential land within the UGB could be demonstrated. We agree, unfortunately, with 1000 Friends that neither of these tests have

² In fact, Study Area 7 (Southwest) was expanded to include a larger portion of the Class III soils concentration south of the planned South Arterial.

been met, and that the school site cannot be included within the UGB consistent with ORS 197.298 priorities.

Recommendation

Three changes are recommended in response 1000 Friends comments regarding the application of ORS 197.298 and Goal 14 Factors 3-7:

- (1) Removal of the predominantly Class II agricultural parcel west of Butteville Road in Study Area 8 (56 acres), and replacement with a predominantly Class III agricultural parcel south of the South Arterial in Study Area 7 (50 acres).**
- (2) Removal of approximately 100 acres of predominantly Class I and II soils associated with the golf course on land east and north of the emergency access road in Study Area 2 (North).**
- (3) Exclusion of the 19-acre Woodburn School District site on predominantly Class II agricultural soils in Study Area 4 (East). (Please see additional discussion under Exhibit B-99.)**

B-99 David Christoff on Behalf of the Woodburn School District (4/18/05)

Woodburn School District would like to add 19.5 acres on East Lincoln Street to the UGB to allow construction of a school. Based on the District architect's recommendation, the District needs sites of 12-15 acres for an elementary school, 20-25 acres for a middle school, and 40 or more acres for a high school. Overall, the District estimates that it will need 170 acres to accommodate school needs through the Year 2020. Since 1992, the District had looked for other sites within the UGB but was unsuccessful in finding any at a reasonable price. The District sold a 10-acre site adjacent to Senior Estates in 1997 for \$45,000 per acre and purchased the 19.5 Lincoln Street site for \$20,000 per acre "with the blessing of the City Planning Department, the County Planning Department, the advise of the District's attorneys, and input of their architect and private consultant." The District needs a school east of Highway 99E to accommodate existing and future student growth. At the time, the Serres property "was ideal and very logical land for future expansion as residential."

We have no personal knowledge of what Keith Liden, a consultant who contracted with the City to prepare the 1999-2000 Buildable Lands Inventory, or Steve Goeckritz, the previous planning director, may have told the District. We did incorporate the need figures provided by the District in April 2004 into our residential land needs analysis. The 108-acre vacant buildable land figure is consistent with land needs for two elementary schools, a middle school and a high school.

We also know that the site has predominantly Class II agricultural soils and that we lack sufficient information to justify inclusion of this property as a "special need" under ORS 197.298(3). We also know that 1000 Friends will appeal any decision made by the City and Marion County to LCDC, and that bringing the District's property into the UGB would jeopardize the LCDC's acknowledgment of Woodburn's Comprehensive Plan and WDO amendment package.

Recommendation

For reasons stated above, we cannot recommend inclusion of the District's property at this time. We do recommend that the District complete a facilities master plan

that systematically describes existing and future school siting needs. Such a plan, coupled with an exhaustive alternatives sites analysis, could be used as the basis for future plan amendments to accommodate school land needs.

B-100 Krivoshein Property (4/19/05)

Exhibit B-100 includes a letter from attorney Kevin Maine on behalf of the Krivoshein family, who own 32.5 acres of predominantly Class II agricultural soils north of Hardcastle Road in Study Area 4 (North). Mr. Maine questions several of Winterbrook's "liberal" assumptions regarding the development of infill and partially developed residential properties.

Recommendation

No changes are recommended to the Comprehensive Plan and Development Ordinance package at this time. Please see discussion of Serres property above.

B-103 Oregon Department of Agriculture

In Exhibit 103, Mr. James Johnson provided comments related to Goal 14, Factors 6 (retention and buffering of agricultural land) and ORS 197.298 (urban growth boundary expansion priorities). Mr. Johnson notes his agreement with comments provided by DLCD, but expressed concern with the proposed expansions located west of I-5 and north of the existing UGB, because these areas have relatively high value Class II soils. Mr. Johnson recommends that growth be directed as much as possible to the area with predominantly Class III agricultural soils located south of the existing UGB – between Boones Ferry Road and I-5 (Southwest Study Area 7). In closing, Mr. Johnson also speaks to the need for buffers to minimize impacts from planned residential development on farming operations in the area.

Table B shows a total of 926 gross acres are proposed for inclusion within the Woodburn UGB. After accounting for unbuildable wetlands, floodplains and riparian areas – and for street rights-of-way – 766 net buildable acres are proposed for inclusion within the 2005 UGB. **Most of this land (413 gross acres of 45% of the total UGB expansion area) is located in Southwest Woodburn in Study Area 7, between Boones Ferry Road and Interstate 5. This area has predominantly Class III agricultural soils.**

We have explained in the UGB Justification Report, and before the Planning Commission and City Council, the importance of including largely Class II agricultural land between the existing UGB and Butteville Road. This land must develop in order for Butteville Road to be improved to urban standards, thus providing access from industrial sites to the southeast (in Study Area 7) to the east access to I-5 Interchange. The Butteville Road properties also have the most direct access to the eastern I-5 Interchange and have been recognized by the Industrial Lands Advisory Committee as one of 25 sites of statewide significance. Development of this area is also necessary to provide a looped water system to commercial and industrial land on both sides of I-5. However, due to the presence of Class I agricultural soils, no land is proposed for inclusion west of Butteville Road.

A similar situation exists for property north of the UGB. In order to reach the second largest inclusion of Class III soils in any of the study areas, Boones Ferry Road must be improved to urban standards and urban services must be extended through Class II soils. However, the same cannot be said for land east of the emergency access road and north of the UGB in the North Study Area 2 (the “golf course property”), which is comprised of Class I and II soils that do not need to be developed to serve buildable land with concentrations of Class III soils.

Regarding buffers, the UGB is designed in almost every case to utilize existing roads or streams as buffers. Thus, after removing the 56-acre property west of Butteville Road, this arterial street provides a buffer along the proposed western boundary of the UGB in Study Areas 1 and 8. Similarly, Crosby Road provides a buffer separating proposed residential development from agricultural land to the north in Study Area 2. In Study Area 7, residential land will be buffered from agricultural land by the South Arterial.

Finally, by substituting a 50-acre Class III agricultural property in Study Area 7 (south of the South Arterial) for a 56-acre Class II agricultural property in Study Area 8 (west of Butteville Road), ORS 197.298 priorities are met. As implied in Mr. Johnson’s letter, the most significant adverse impacts on agricultural operations come from residential – not industrial uses. For this reason, Winterbrook recommends directing industrial development to Class III soils despite the lack of a road buffer for the 50-acre property located south of the South Arterial.

Two changes are recommended in response ODA comments regarding the application of ORS 197.298 and Goal 14 Factors 6-7:

- (1) Removal of the predominantly Class II agricultural parcel west of Butteville Road in Study Area 8 (56 acres), and replacement with a predominantly Class III agricultural parcel south of the South Arterial in Study Area 7 (50 acres).**
- (2) Removal of approximately 100 acres of predominantly Class I and II soils associated with the golf course on land east and north of the emergency access road in Study Area 2 (North).**

B-111 Oregon Transportation Commission

In his April 19, 2005 letter to Mayor Figley, Mr. Stuart Foster, Chairman of the Oregon Transportation Commission, expressed his support and appreciation for the high quality transportation planning performed by the City in coordination with ODOT staff. Mr. Foster was especially supportive of the Interchange Management Area Overlay Zone. Mr. Foster concludes by noting that additional work must be completed by property owners, ODOT staff and the City regarding funding for interchange improvements. It is our understanding that discussions are now taking place among these groups to satisfy the OTC’s concern.

We recommend that the City continue to work with ODOT, Marion County, and affected property owners towards an equitable funding agreement for planned I-5 Interchange improvements.

Summary of Expansion Areas

The UGB Justification Report, while focusing on detailed descriptions of need and comparisons of need to supply, did not include summaries of the expansion area by study area or by plan designation. Tables A and B below provide this information.

Table A shows the total expansion acreage by study area. These acres are “gross” acres, indicating that they do not account for protected natural areas or right-of-way deductions. There are a total of 926 gross acres included in the proposed UGB expansion areas.

Table A: Expansion Acres by Study Area

Study Area	Gross Expansion Acres
1 Northwest	116
2 North	188
3 Northeast	13
4 East	0
5 Southeast	0
6 South	31
7 Southwest	448
8 West	130
Total	926

Table B shows expansion acreages by proposed land use category. Table B also shows “Net Buildable” acres for each designation, indicating available developable area after reductions for natural areas and rights-of-way. After accounting for proposed changes to the UGB, we recommend adding 766 net buildable acres to the existing Woodburn UGB.

Table B: UGB Expansion Acres by Land Use Category

Plan	Gross Expansion Acres	Net Buildable Expansion Acres
Single Family	192	145
Exception Area Single Family	116	107
Nodal Single Family	84	67
Medium Density Residential	0	0
Nodal Medium Density Residential	62	51
Commercial (Including Exception Areas)	50	32
Southwest Industrial Reserve	413	363
Public / Open Space	8	0
Totals	926	766

Conclusion

In this memorandum, we have attempted to provide an objective review of comments received from the general public, landowners, special interest groups, and state agencies. The proposed UGB expansion is barely adequate to meet Year 2020 growth needs. Most of those who commented argued for or against competing UGB expansion areas.

As pointed out by several state agencies and 1000 Friends of Oregon, ORS 197.298 priorities require that cities look first to “exceptions areas” to meet identified expansion needs, then to lower value agricultural land, and finally to higher value agricultural land. In the Woodburn area, areas with Class IV and higher agricultural soils are associated with unbuildable wetlands and riparian corridors, and therefore do not meet identified urban land needs. After bringing in adjacent exceptions areas, this leaves buildable Class III soils as the highest priority for meeting Woodburn’s growth needs.

Woodburn has included all adjacent exceptions areas except a state-owned juvenile detention facility and still lacks an adequate buildable land supply. Woodburn has two large concentrations of Class III soils:

- the smaller is located in the North Study Area 2 east of Boones Ferry Road, and
- the larger is located in Southwest Study Area 7 south of Parr Road.

ORS 197.298(3) allows for exceptions to the its own priorities in order to meet specific site suitability needs or to maximize land use efficiency. Both Class III soils areas are separated from the existing UGB by areas with Class II agricultural soils. These intervening Class II soils must be developed to ensure efficient urbanization and to provide urban services to Class III soil areas.

The Serres family (East Study Area 4) and property owners represented by Mr. Rohrer (Northwest Study Area 1) have put forth good cases for inclusion of their properties within the UGB. However, neither area meets ORS 197.298 priorities or exceptions to these priorities and therefore would be vulnerable to legal challenge. Moreover, to include either area would require extensive amendments to the Comprehensive Plan, Public Facilities Plan, Transportation Systems Plan and Woodburn Development Ordinance. Such changes would be costly and time-consuming to prepare – and would not help achieve the objectives set forth in the Woodburn Economic Opportunities Analysis, Woodburn Economic Development Strategy or Woodburn Housing Needs Analysis.

1000 Friends continues to argue for a different economic development program than the one described in Woodburn's Economic Opportunities Analysis and Economic Development Strategy. However, 1000 Friends has found no support for its position from the Department of Land Conservation and Development (DLCD), the Oregon Department of Transportation (ODOT), the Oregon Department of Agriculture or Marion County. These agencies generally are supportive of the economic development approach taken by the Planning Commission in its recommendations to City Council.

DLCD has recommended many technical changes to the Comprehensive Plan, Public Facilities Plan (PFP), WDO and findings justifying the UGB. Minor amendments to the Comprehensive Plan, Public Facilities Plan, Transportation Systems Plan, and WDO recommended by Mr. Mulder are responsive to DLCD's concerns. Changes to the updated Transportation Systems Plan (TSP) will also be required to address changes in the UGB and timing issues related to servicing industrial land within the Southwest Industrial Reserve.

Marion County and 1000 Friends raised concerns regarding the number of acres proposed for inclusion within the UGB. Both have misinterpreted background materials prepared by Winterbrook. We are in the process of making changes to background documents and the UGB Justification Report to respond to issues raised by state agencies, the county and 1000 Friends – including minor changes in the location of the proposed UGB. Winterbrook will finalize the changes in concert with the City Attorney's office once the Council has made final decisions on the 2005 Comprehensive Plan and Woodburn Development Ordinance amendment package.